



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/671,641

09/26/2003

Robert J. Drost

SUN-P9609

7883

22835

7590

11/01/2005

A. RICHARD PARK, REG. NO. 41241
PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95616

EXAMINER

WELLS, KENNETH B

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,641	Applicant(s) DROST ET AL.	
	Examiner Kenneth B. Wells	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2816

1. The request for continuing examination (RCE) filed on 10/21/05 has now been entered in the case, as has the amendment under 37 CFR 1.116 filed on 9/28/05.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 4, 6-9, 11, 12, 14-17, 19, 20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al in view of any one of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al, and further in view of any one of Lenk, Chesavage '626, Locker et al, Doblar et al, Smith et al, Yabuki et al and Chesavage '350.

See paragraphs six and eight of the office action mailed on 6/14/05 for the details of the combination of Li et al with any one of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al.

As to the new limitation added to each of the independent claims (lines 16-19 of claim 1 and lines 18-22 of claim 9), this does not distinguish patentably over the combination of Li et al with any one of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al because it is old and well-known in the art to cross-couple two phase locked loops with each other

Art Unit: 2816

so that they are in an asynchronous control loop. Note each of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al for this well-known concept. One skilled in the art would be motivated to form the two separate chips into a cross-coupled configuration in order to achieve the benefits/advantages taught by each of the above-noted secondary references.

Applicant should also note that the recitation "generating a substantially maximum common frequency" is merely result and/or intended use, and thus cannot be relied upon to define over the above-noted combination of references. In other words, because there is no structural or functional difference between applicant's claimed invention and the combined teachings of the above-noted prior art, this new recitation will be inherent in the operation of the combined prior art. Moreover, the new language "to generate an asynchronous control loop which generates the substantially maximum common frequency" has already been recited in the claims (see lines 20-23 of claim 1 and lines 23-26 of claim 9) and thus this redundant limitation should be deleted from each of independent claims 1 and 9. Note also the same problem in claim 17.

As claims 25-27, because it is also old and well-known in the art of clock generators to adjust the frequency of a clock

Art Unit: 2816

by varying the supply voltage, this also would have been obvious to any person having ordinary skill in the art and therefore does not patentably distinguish over the above-noted prior art.

4. Claims 5, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al in view of any one of Self et al '308, Self et al '532, Bar-Niv, Oman et al and Eggebrecht et al, and further in view of any one of Lenk, Chesavage '626, Locker et al, Doblar et al, Smith et al, Yabuki et al and Chesavage '350 as applied to claims 4, 12 and 20 above, and further in view of Coleman.

See paragraph seven of the office action mailed on 6/14/05 for the details of the Coleman reference and its combination with Li et al.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note U.S. Patents 6,194,969 and 4,239,982 which also disclose the well-known concept of mutual synchronization of a pair of cross-coupled PLL circuits.

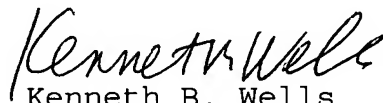
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth

Art Unit: 2816

B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth B. Wells
Primary Examiner
Art Unit 2816

October 28, 2005